

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GIBSON BRANDS, INC., a Delaware)
corporation,)
Plaintiff/Counterclaim-Defendant,) Case No. 4:19-cv-00358-ALM
vs.)
ARMADILLO DISTRIBUTION)
ENTERPRISES, INC.; CONCORDIA)
INVESTMENT PARTNERS, LLC,)
Defendant/Counterclaim-Plaintiff)
DOES 1 through 10,)
Defendants.)

PLAINTIFF'S EMERGENCY SUPPLEMENTAL MOTION FOR CONTEMPT

TABLE OF CONTENTS

I.	INTRODUCTION AND BACKGROUND FACTS.....	1
II.	ARGUMENT AND CITIATION TO AUTHORITY.....	10
A.	Defendants Are Still in Contempt.....	10
B.	Defendants' Continued Contempt Warrants an Emergency Hearing.....	11
III.	CONCLUSION.....	12

TABLE OF AUTHORITIES

CASES

<i>American Airlines, Inc. v. Allied Pilots Ass'n</i> 228 F.3d 574, 581 (5th Cir. 2000).....	10
<i>Blackmer v. United States,</i> 284 U.S. 421 (1932)	10
<i>Kos Pharm., Inc. v. Andrx Corp., Inc.</i> 369 F.3d 700, 726 (3d Cir. 2004)	12
<i>Mary Kay, Inc. v. Weber</i> 661 F.Supp.2d 632, 640 N.D. Tex. 2009)	12
<i>Paulsson Geophysical Services, Inc. v. Sigmar</i> 529 F.3d 303, 313 (5th Cir. 2008).....	11
<i>Re/Max N. Cent., Inc. v. Cook</i> 272 F.3d 424, 432 (7th Cir. 2001).....	12
<i>Test Masters Educational Serv., Inc. v. Singh</i> 428 F.3d 559, 581-82 (5th Cir. 2005)	10

Plaintiff Gibson Brands, Inc. (“Gibson”) hereby files its Emergency Supplemental Motion for Contempt and the Request for an Emergency Hearing against Defendants Armadillo Distribution Enterprises, Inc. (“Armadillo”) and Concordia Investment Partners, LLC (“Concordia” and collectively with Armadillo “Defendants”).

I. INTRODUCTION AND BACKGROUND FACTS.

On May 27, 2022, a jury found that Armadillo “sold or marketed a counterfeit of [four Gibson trademarks]. [*See* Verdict Form at Dkt. No. 498, Question 2.] On July 28, 2022, this Court issued a Final Judgment containing a permanent injunction order against Defendants. The Final Judgment permanently enjoined Defendants from the manufacture, advertisement, and/or sale of its: (1) LUNA Athena 501 guitar; (2) DEAN Gran Sport guitar; (3) guitars bearing, using, or advertising with the word “Hummingbird;” (4) DEAN V guitar; and (5) DEAN Z guitar. [*See* Dkt. No. 547.] On August 12, 2022, Gibson filed a Motion for Civil Contempt Due to Defendants’ Violations of the Permanent Injunction (“Motion for Contempt”). [*See* Dkt. No. 552.]

Gibson found that the Defendants still offered the Dean V and Dean Z for sale on the website at www.deanguitars.com in violation of the permanent injunction order. [*See* Motion for Contempt at 5-6.] The jury found the Dean V and Dean Z to use counterfeits of the Gibson trademarks and therefore, each day of continued advertising and sales of the Dean V and Dean Z guitars irreparably harm Gibson. As a result, Gibson asked this Court to sanction Armadillo by fining them at least \$2,000 per day until they purge the contempt by (1) complying with every requirement of the permanent injunction, (2) paying any accrued fines, and (3) certifying to the Court they have done so. [*See Id.* at 10.]

Defendants opposed Gibson’s Motion for Contempt and filed an opposition brief on September 8, 2022 (“Opposition Brief”). In the Opposition Brief, Defendants claimed Gibson was “capitaliz[ing] on the Rubinson family’s most difficult moments in order to disadvantage

Armadillo.” [Opposition Brief at 1.] Defendants argue this Rubinson turmoil combined with a change in lead counsel has left Armadillo without the means to remove the infringing guitars from its website. [*Id.*] Further, in the Opposition Brief, Defendants claim “the fact remains that Armadillo complied with the request, which took four business days to accomplish under the difficult circumstances in which Armadillo found itself.” [*Id.* at 5.]

On September 15, 2022, Gibson filed a reply brief in support of its Motion for Contempt, Dkt. No. 578 (“Reply Brief”). As part of the due diligence in drafting the Reply Brief, Gibson once again audited the website at www.deanguitars.com and found numerous infringements despite Armadillo’s representation to this Court that Armadillo complied with the request. [See Reply Brief at 4-8.] At the time the Reply Brief was drafted, the Dean 2022 catalog was linked from www.deanguitars.com and contained three violations of this Court’s permanent protective order. [See *Id.* at 4.]

On October 12, 2022, nearly a month after Gibson filed its Reply Brief noting all of the continued infringement and violations of the permanent injunction order, Gibson performed another audit of www.deanguitar.com to determine if Defendants had removed the infringements. To Gibson’s surprise, it appears that none of the images complained about in the Reply Brief have been removed despite displaying guitars containing counterfeits of Gibson trademarks; in fact, they have included even more images of the Dean V and Dean Z in their *catalog and even offer a new Dean 2022 model for sale:*

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USA MICHAEL SCHENKER 50TH ANNIVERSARY V

NEW USA

USA MS FIFTY
LIST: \$6,650.00 MAP: \$4,599.00

USA MS FLAMES
LIST: \$4,399.00 MAP: \$3,299.00

USA MICHAEL SCHENKER STANDARD

USA MS STANDARD
LIST: \$4,399.00 MAP: \$3,299.00

USA MICHAEL SCHENKER V IN YANG

USA

- Finish: Black-White-Gold
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Schenker Lights Out
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included

USA MICHAEL SCHENKER V IN YANG

USA

- Finish: Yin Yang Graphic Black & White
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Nick Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Schenker Lights Out
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included

10 Specifications subject to change.

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Page 12 of 74

10/12/22, 12:18 PM

USA MS RDBK
USA

MS CUSTOM FLAMES
LIST: \$1,249.00 MAP: \$849.00

MICHAEL SCHENKER STANDARD

MS STD
LIST: \$529.00 MAP: \$359.00

for more information visit www.deanguitars.com

USA MICHAEL SCHENKER RED/BLACK

USA

- Finish: Red & Black
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Nick Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMT Schenker Lights Out
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included
- Limited Run: 500 pcs

MS CUSTOM FLAMES

- Finish: Custom Flame Graphic Black & White
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Nick Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Schenker Lights Out
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included

MICHAEL SCHENKER STANDARD

- Finish: Black & White
- Body Material: Basswood
- Top Material: Basswood
- Neck Material: Maple Bolt On
- Fretboard Material: Gnarillo
- Inlays: Pearl Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Nick Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Schenker Lights Out
- Hardware Color: Chrome
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included

for more information visit www.deanguitars.com

11

<https://online.fliphtml5.com/csylt/www/>

Page 13 of 74

10/12/22, 12:18 PM

USA CMV VWH
USA

CHRISTIAN MARTUCCI V VINTAGE WHITE

USA CHRISTIAN MARTUCCI V VINTAGE WHITE

CHRISTIAN MARTUCCI V VINTAGE WHITE

- Finish: Vintage White
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Nick Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: DiMarzio 36th Anniversary PAF
- Hardware Color: Gold
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: Case Included

CMV VWH
LIST: \$1,749.00 MAP: \$1,149.00



EPZ F CBK
LIST: \$1,899.00 MAP: \$1,249.00

ERIC PETERSON Z FLOYD CLASSIC BLACK

- Finish: Classic Black
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Maple
- Fretboard Material: Ebony
- Inlays: Pearl Diamond
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: Eric Peterson Spec. C
- Nut Width: 1 11/16" (43mm)
- Pickups: EMG 81/ EMG 85
- Hardware Color: Black
- Bridge: Floyd Rose 1000
- Tuners: Grover
- Strings: D'Addario EXL110 (.010-.046)
- Case Options: DHS Z, DGB LG, LL MLVZ

12 Specifications subject to change.

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Page 14 of 74

10/12/22, 12:18 PM



Z SEL 24 K CWH
LIST: \$1,899.00 MAP: \$1,249.00

Z SELECT 24 KAHLER CLASSIC WHITE

NEW

- Finish: Classic White
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra / Seymour Duncan APH-1 Custom Zebra
- Hardware Color: Black
- Bridge: Kahler Hybrid
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS Z, LL MLVZ, DGB LG



V SEL 24 K MRS
LIST: \$1,899.00 MAP: \$1,249.00

V SELECT 24 KAHLER METALLIC RED SATIN

NEW

- Finish: Metallic Red Satin
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearl Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra / Seymour Duncan APH-1 Custom Zebra
- Hardware Color: Black
- Bridge: Kahler Hybrid
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL MLVZ, DGB LG



V SEL FL BKS
LIST: \$1,679.00 MAP: \$1,099.00

V SELECT FLUENCE BLACK SATIN

NEW

- Finish: Black Satin
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearlid Ultra
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: C
- Nut Width: 1 11/16" (43mm)
- Pickups: Fishman Fluence Modern Black
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL MLVZ

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15

<https://online.fliphtml5.com/csylt/jwww/>

Page 17 of 74

10/12/22, 12:18 PM

10/12/22, 12:18 PM

USA V PATENTS PENDING FLAME TOP TCS

USA

- Finish: Trans Cherry Sunburst
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 15" (381mm)
- Neck Shape: V 11/16" (63mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: DiMarzio Super Distortion
- Hardware Color: Nickel w/ Brass V Plate
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL110 (010-046)
- Case Options: Case Included

USA V TIME CAPSULE

USA

- Finish: Dark Tan TCS, TAM
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V 11/16" (63mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: USA-DMT Time Capsule
- Hardware Color: Nickel w/ Brass V Plate
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL110 (010-046)
- Case Options: Case Included

USA V77 TRANS CHERRY SUNBURST

USA

- Finish: Trans Cherry Sunburst
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V 11/16" (63mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: USA-DMT Time Capsule
- Hardware Color: Nickel w/ Brass V Plate
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL110 (010-046)
- Case Options: Case Included

USA V STANDARD W/ PICKGUARD

USA

- Finish: Gloss Natural
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Rosewood
- Inlays: Pearl Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V 11/16" (63mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: USA-DMT Time Capsule
- Hardware Color: Gold
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL110 (010-046)
- Case Options: Case Included

USA V FM PTP TCS
LIST: \$4,489.00 MAP: \$3,299.00

USA TCV
LIST: \$3,699.00 MAP: \$2,799.00

USA V77 TCS
LIST: \$4,399.00 MAP: \$3,299.00

USA V PG GN
LIST: \$3,699.00 MAP: \$2,799.00

30 Specifications subject to change.

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Page 32 of 74

V SELECT FLOYD QUILTED TOP TRANS BRAZILIA

- Finish: Trans Brazilia
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Width: 1 11/16" (43mm)
- Pickups: DiMarzio Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V.L. MLV2, DOB LG

V SEL F QM TBZ
LIST: \$1,529.00 MAP: \$999.00

V SELECT QUILTED TOP TRANS BRAZILIA

- Finish: Ocean Burst
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Peacock Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V 11/16" (43mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V.L. MLV2, DOB LG

V SEL QM OSB
LIST: \$1,349.00 MAP: \$899.00

V SELECT QUILTED TOP TRANS BLACK

- Finish: Trans Black
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Peacock Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V 11/16" (43mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (.009-.042)
- Case Options: DHS V.L. MLV2, DOB LG

V SEL OM TBK
LIST: \$1,349.00 MAP: \$899.00

V SEL CBK
LIST: \$1,269.00 MAP: \$849.00

V SEL CBK L (Lefty)
LIST: \$1,269.00 MAP: \$849.00

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31

<https://online.fliphtml5.com/csyjt/www/>

Page 33 of 74

10/12/22, 12:18 PM

10/12/22, 12:18 PM

V 79 FLAME MAPLE TRANS CHERRY SUNBURST

NEW

- Finish: Trans Cherry Sunburst
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Neck Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Nut Length: 1 11/16" (43mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Time Capsule
- Neck Pickup: Zebra
- Bridge: Tune-O-Matic
- Tuners: Grover
- String: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL, MLVZ, DGB LG

V 79 FM TCS
LIST: \$899.00 MAP: \$599.00

V 79 TRANS CHERRY

NEW

- Finish: Trans Cherry
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Neck Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Nut Length: 1 11/16" (43mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Time Capsule
- Neck Pickup: Zebra
- Bridge: Tune-O-Matic
- Tuners: Grover
- String: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL, MLVZ, DGB LG

V 79 TCH
LIST: \$829.00 MAP: \$549.00

V 79 CLASSIC BLACK

NEW

- Finish: Classic Black
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Neck Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Nut Length: 1 11/16" (43mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Time Capsule
- Neck Pickup: Zebra
- Bridge: Tune-O-Matic
- Tuners: Grover
- String: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL, MLVZ, DGB LG

V 79 CBK
LIST: \$829.00 MAP: \$549.00

VX FLOYD BLACK SATIN

NEW

- Finish: Black Satin
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Neck Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Nut Length: 1 11/16" (43mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Series Time Capsule
- Neck Pickup: Zebra
- Bridge: Tune-O-Matic
- Tuners: Grover
- String: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL, MLVZ, DGB LG

VX F BKS
LIST: \$619.00 MAP: \$399.00

VX QM TBZ

NEW

- Finish: Trans Bequia
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Maple Bolt On
- Fretboard Material: Indian Rosewood
- Neck Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Nut Length: 1 11/16" (43mm)
- Nut Width: 1 11/16" (43mm)
- Pickups: DMT Design Zebra
- Neck Pickup: Zebra
- Bridge: Tune-O-Matic
- Tuners: Sealed Die-Cast
- String: D'Addario EXL120 (.009-.042)
- Case Options: DHS V, LL, MLVZ, DGB LG

VX QM TBZ
LIST: \$619.00 MAP: \$399.00

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32 Specifications subject to change.

Page 34 of 74

<https://online.fliphtml5.com/csyl/www/>

Page 35 of 74

10/12/22, 12:18 PM

10/12/22, 12:18 PM

DEAN GUITARS

USA Z PATENTS PENDING FLAME TOP TRANS BRAZILIA
NEW USA

- Finish: Trans Brazilia
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: D'Addario Super Distortion
- Hardware Color: Nickel w/ Brass V Plate
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL110 (010-.046)
- Case Options: Case Included

USA Z FM PTP TBZ
LIST: \$4,489.00 MAP: \$3,299.00

USA Z PATENTS PENDING FLAME TOP TCS
NEW USA

- Finish: Trans Cherry Sunburst
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: D'Addario Super Distortion
- Hardware Color: Nickel w/ Brass V Plate
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL110 (010-.046)
- Case Options: Case Included

USA Z FM PTP TCS
LIST: \$4,489.00 MAP: \$3,299.00

USA Z TIME CAPSULE TRANS BRAZILIA
USA

- Finish: Trans Brazilia
- Body Material: Mahogany
- Top Material: Flame Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Abalone Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: D'Addario Super Distortion
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL110 (010-.046)
- Case Options: Case Included

USA TCZ TBZ
LIST: \$3,699.00 MAP: \$2,799.00

USA Z TIME CAPSULE CLASSIC BLACK
USA

- Finish: Classic Black
- Body Material: Mahogany
- Top Material: Maple
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Inlays: Abalone Dot
- Scale Length: 24 5/8" (625mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: USA DMTR Time Capsule
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL110 (010-.046)
- Case Options: Case Included

USA TCZ CBK
LIST: \$3,699.00 MAP: \$2,799.00

Z SELECT FLOYD QM OSB
Z SEL F QM OSB

- Finish: Ocean Burst
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearlstick Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan APH-1 Custom Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (009-.042)
- Case Options: DHS Z LL MLVZ, DGB LG

Z SELECT CLASSIC BLACK
Z SEL CBK

- Finish: Classic Black
- Body Material: Mahogany
- Top Material: Mahogany
- Neck Material: Mahogany
- Fretboard Material: Ebony
- Inlays: Pearlstick Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (009-.042)
- Case Options: DHS Z LL MLVZ, DGB LG

Z SELECT QM TOP TRANS BRAZILIA
Z SEL QM TBZ

- Finish: Trans Brazilia
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Inlays: Pearlstick Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan TB-5 Custom Zebra
- Hardware Color: Black
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (009-.042)
- Case Options: DHS Z LL MLVZ, DGB LG

Z 79 CBK
Z 79 CBK

- Finish: Classic Black
- Body Material: Mahogany
- Top Material: Quilt Maple
- Neck Material: Mahogany
- Fretboard Material: Indian Rosewood
- Inlays: Pearlstick Block
- Scale Length: 24 3/4" (629mm)
- Fretboard Radius: 12" (305mm)
- Neck Shape: V
- Nut Width: 1 11/16" (43mm)
- Pickups: Seymour Duncan Time Capsule
- Hardware Color: Nickel
- Bridge: Tune-O-Matic
- Tuners: Grover
- Strings: D'Addario EXL120 (009-.042)
- Case Options: DHS Z LL MLVZ, DGB LG

54 Specifications subject to change.

<https://online.fliphtml5.com/csylt/www/>

Page 36 of 74

for more information visit www.deanguitars.com

35

10/12/22, 12:18 PM

	Z79 FLOYD TRANS CHERRY NEW <ul style="list-style-type: none"> • Finish: Trans Cherry • Body Material: Mahogany • Top Material: Mahogany • Neck Material: Mahogany • Fretboard Material: Indian Rosewood • Scale Length: 24 3/4" (629mm) • Fretboard Radius: 12" (305mm) • Nut Shape: C • Nut Width: 1 11/16" (43mm) • Pickups: DMT Series Time Capsule • Bridge: Tune-O-Matic • Hardware Color: Black • Strings: D'Addario EXL120 (.009-.042) • Case Options: OHS Z, LL MLVZ, DGB LG
	Z 79 F TCH LIST: \$899.00 MAP: \$599.00
	Z 79 MAH LIST: \$829.00 MAP: \$549.00
	ZX FBKS LIST: \$619.00 MAP: \$399.00
	ZX QM TBZ LIST: \$619.00 MAP: \$399.00
	Z 79 NATURAL MAHOGANY NEW <ul style="list-style-type: none"> • Finish: Gloss Natural • Body Material: Mahogany • Top Material: Mahogany • Neck Material: Mahogany • Fretboard Material: Indian Rosewood • Scale Length: 24 3/4" (629mm) • Fretboard Radius: 12" (305mm) • Nut Shape: C • Nut Width: 1 11/16" (43mm) • Pickups: DMT Series Time Capsule • Bridge: Tune-O-Matic • Hardware Color: Black • Strings: D'Addario EXL120 (.009-.042) • Case Options: OHS Z, LL MLVZ, DGB LG
	Z 79 NATURAL MAHOGANY LIST: \$829.00 MAP: \$549.00
	ZX FLO Y BLACK SATIN NEW <ul style="list-style-type: none"> • Finish: Black Satin • Body Material: Mahogany • Top Material: Mahogany • Neck Material: Maple Bolt On • Fretboard Material: Indian Rosewood • Scale Length: 24 3/4" (629mm) • Fretboard Radius: 12" (305mm) • Nut Shape: C • Nut Width: 1 11/16" (43mm) • Pickups: DMT Series Time Capsule • Bridge: Floyd Rose FR20 • Hardware Color: Black • Strings: D'Addario EXL120 (.009-.042) • Case Options: OHS Z, LL MLVZ, DGB LG
	ZX FLO Y BLACK SATIN LIST: \$619.00 MAP: \$399.00
	ZX FLO Y BLACK SATIN LIST: \$619.00 MAP: \$399.00
	ZX FLO MAPLE TRANS BRASILIA NEW <ul style="list-style-type: none"> • Finish: Trans Brazilia • Body Material: Mahogany • Top Material: Mahogany • Neck Material: Maple Bolt On • Fretboard Material: Indian Rosewood • Scale Length: 24 3/4" (629mm) • Fretboard Radius: 12" (305mm) • Nut Shape: C • Nut Width: 1 11/16" (43mm) • Pickups: DMT Series Time Capsule • Bridge: Tune-O-Matic • Hardware Color: Black • Strings: D'Addario EXL120 (.009-.042) • Case Options: OHS Z, LL MLVZ, DGB LG
	ZX FLO MAPLE TRANS BRASILIA LIST: \$619.00 MAP: \$399.00

36 Specifications subject to change.

Page 38 of 74

10/12/22, 12:18 PM

10/12/22, 12:18 PM



V METALMAN CLASSIC BLACK

VM

LIST: \$369.00 MAP: \$249.00

Z METALMAN CLASSIC BLACK

ZM

LIST: \$369.00 MAP: \$249.00

DEAN GUITARS

- Finish: Classic Black
- Body Material: Basswood
- Top Material: Basswood
- Neck Material: Maple Bolt On
- Fretboard Material: Walnut
- Inlays: Pearlloid Dot
- Scale Length: 34" (863mm)
- Fretboard Radius: 16" (406mm)
- Neck Shape: C
- Nut Width: 1 1/2" (38mm)
- Pickups: DMT Design
- Hardware Color: Black
- Bridge: Die Cast
- Tuners: Sealed Die Cast
- Strings: (.045-.100)
- Case Options: DGB LB

- Finish: Classic Black
- Body Material: Basswood
- Top Material: Basswood
- Neck Material: Maple Bolt On
- Fretboard Material: Walnut
- Inlays: Pearlloid Dot
- Scale Length: 34" (863mm)
- Fretboard Radius: 16" (406mm)
- Neck Shape: C
- Nut Width: 1 1/2" (38mm)
- Pickups: DMT Design
- Hardware Color: Black
- Bridge: Die Cast
- Tuners: Sealed Die Cast
- Strings: (.045-.100)
- Case Options: DGB LB



NEW DEAN V



V 79 FLOYD TRANS CHERRY BURST

As a result of Defendants' continued violation of this Court's permanent injunction order, Gibson asks for an emergency hearing to sanction Defendants for its contempt and escalation of infringement after forcing Gibson to file for contempt. In other words, Gibson only asks this Court to enforce its permanent injunction before additional irreparable harm is caused by Defendants infringement.

II. ARGUMENT AND CITIATION TO AUTHORITY

A. Defendants Are Still in Contempt.

Gibson provided the analysis for civil contempt in its Motion for Contempt. [See Dkt. No. 552 at 3-9.] To summarize, Gibson bears the burden of establishing by clear and convincing evidence: (1) that a court order was in effect, (2) that the order required certain conduct by the Armadillo, and (3) that Armadillo failed to comply with the Court's order. *American Airlines, Inc. v. Allied Pilots Ass'n*, 228 F.3d 574, 581 (5th Cir. 2000); *Test Masters Educational Serv., Inc. v. Singh*, 428 F.3d 559, 581-82 (5th Cir. 2005); *Blackmer v. United States*, 284 U.S. 421 (1932). None of the elements of civil contempt are in question.

Instead of attempting to negate the civil contempt elements, Armadillo has claimed that it should be excused from civil contempt because of a change at CEO. [See Opposition Brief.] Gibson disagrees that a change at CEO should prevent Armadillo from complying with the Court's permanent injunction order and Armadillo provided no authority where a court allowed noncompliance by reason of a change in a company's personnel. This excuse is further called into question considering that Armadillo's website is still not in compliance despite Gibson's Motion for Contempt and Reply Brief specifically noting the infringing content. Now, instead of attempting to comply with the Court's permanent injunction, Defendants has linked a Dean 2021 catalog, containing pages of infringement, to nearly every page of its website. Furthermore within its "new"

2022 line they include a “new” Dean V. There comes a point where complete conscious disregard cannot explain away nefarious intent.

As a result, Gibson renews its request that this Court sanction Defendants by fining them at least \$2,000 per day since the date of judgement, until they purge the contempt by (1) complying with every requirement of the permanent injunction, (2) paying any accrued fines, and (3) certifying to the Court they have done so.

Gibson further renews its request for reasonable costs and attorneys’ fees. [See Motion for Contempt at 11-12.] Gibson has repeatedly attempted to get Defendants in compliance including listing specific instances of infringement on Armadillo’s website. [See Reply Brief at 4-8 (displaying pictures of infringements on www.deanguitars.com.)] Despite Gibson’s efforts, Defendants continue to infringe and irreparably damage Gibson’s trademarks. In fact, it appears Armadillo has linked a Dean 2021 catalog that contains pages of infringements¹ and even launched a “new” Dean V, despite the injunction. Gibson should not be required to incur additional costs and fees for Defendants’ complete failure to comply with this Court’s order.

B. Defendants’ Continued Contempt Warrants an Emergency Hearing.

Pursuant to L.R. CV-7(l), Gibson files this Emergency Supplemental Motion for Contempt and the Request for an Emergency Hearing as an emergency motion. Every day that Armadillo is allowed to manufacture, advertise, and/or sell the infringing guitars that display counterfeit trademarks, Gibson is irreparably damaged. If Armadillo continues to infringe and counterfeit the Gibson trademarks, Gibson has lost control of its brand.

Courts in the Fifth Circuit find imminent irreparable harm under these circumstances. *See Paulsson Geophysical Services, Inc. v. Sigmar*, 529 F.3d 303, 313 (5th Cir. 2008) (holding that where misrepresenting party continued “to use the mark” the senior user “had lost control of the quality of

¹ Upon information and belief, Dean has linked even more Dean V guitar images to its website.

the technology that was being associated with its mark); *see also Mary Kay, Inc. v. Weber*, 661 F.Supp.2d 632, 640 N.D. Tex. 2009) (“if one trademark user cannot control the quality of the unauthorized user’s goods and services, he can suffer irreparable harm.”)² Defendants have already responded to Gibson’s Motion for Contempt. Instead of negating the elements for civil contempt, Armadillo pled excuses and misrepresented that its website was incompliance. Allowing the fourteen-day response time propagated in L.R. 7(e) is inadequate to prevent further imminent irreparable damage and a waste of time.

III. CONCLUSION.

As such, this Court should hold Defendants in civil contempt, sanction Defendants until the contempt is purged, and award Gibson costs and attorneys’ fees of having to bring and supplement this Contempt Motion.

Respectfully submitted, this 18th day of October 2022.

/s/ Andrea E. Bates
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² *See also Kos Pharm., Inc. v. Andrx Corp., Inc.*, 369 F.3d 700, 726 (3d Cir. 2004) (“Grounds for irreparable harm include loss of control of reputation, loss of trade, and loss of goodwill.”); *see also Re/Max N. Cent., Inc. v. Cook*, 272 F.3d 424, 432 (7th Cir. 2001) (“The most corrosive and irreparable harm attributable to trademark infringement is the inability of the victim to control the nature and quality of the defendants’ goods”).

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CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that on the 14th and 17th day of October 2022, I conferred with counsel for Defendant Armadillo Distribution Enterprises, Inc. and Concordia Investment Partners, LLC, who indicated that the Defendants were opposed to the motion.

/s/ Andrea E. Bates
Andrea E. Bates

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served on all counsel of record via this Court's CM/ECF electronica filing system on October 18, 2022.

/s/ Andrea E. Bates
Andrea E. Bates